1

B

File No. AFD. 465-FAL 70

MYSORE GOVERNMENT SECRETARIAT

Notes/Correspondence/Collection

Department A&F Section Forest 'A'

Subject:— Forest Deptt — N.K. Dist. - Siddapur Tq. - Avargappa Village - F.S.Nos. 25 A1 and 25 A2 - Release of 40 acres of land in favour of Sahakari Shikshana Prasarak Samithi Siddapur.

Earlier References :—

Later References :— AFD. 337 FAL 74

25-1-71
15-12-71

(Classification A/B/C)

Notes Pages..... 7 .....

Correspondence Pages..... 21 .....

For/Not for Section Note Book

To be destreyed after.....

B.S. Basavaraj
Under Secretary to Government.

Vatsala.L
(ಎಸ್.ಆರ್: ವತ್ಸಲ)
ಸಹಾಯಕ ಅರಣ್ಯ ಪರಿಸರ ಮತ್ತು ಜೀವವೈವಿಧ್ಯ ಇಲಾಖೆ,

Indexed

2

DOCKET SHEET

Department: Alf

File No. AFD-465-FGL,

Section Forest 'A'

Volume:

SUBJECT

Forest Dept - N.K. Dist - Siddapur Tq - Avargoppa village. F.S.No. 25A1 and 25A2 - release of 40 acres of land in favour of Sahakari Shikshana Prasaraka Samithi - Siddapur.

Number and date	To whom sent	Instructions
1	2	3

[P.T.O.

3 AFD 465 FCL 70

Sl. No. 1. letter No. RB/FOR. SR. 3212 dated 22.12.70 of the Divisional Commissioner Belgaum.

Note.1

1) A draft letter to C.C.F is put up for approval

23/1

Issue
Q
28/1.

A draft D.O. reminder is put up for approval

2)

24/6

Issue
Q.
24/6.

Sl. No. 4. letter No B3/GFL/1932/70-71 dated 14.7.71 of the C.C.F. Blr.

A draft letter to C.C.F is put up

3) for approval

16/8

Issue
Q
16/8.

Sl. No. 6. letter No. B3/21/GFL/1403/71-72 dated 17.9.71 of the C.C.F. Blr

4) The Divisional Commissioner Belgaum Note-2 has recommended for release of 32-16 acres of land out of F.S. No. 25 A1 of Avaragol, Sirsi Tq, N.K. Dist for being granted to Mahatma Gandhi Centenary Colleg

AD. 465: FA&CA.

Siddapur for the construction of college buildings, Hostels for boys and girls, play-ground, offices, N.C.C. parade ground and staff quarters.

The C.C.F. has agreed for the release of the said area. We may agree with the proposal. A draft G.O. is put up for approval.

NVH:3

4/ The land asked for is 40 acres of T.S.No. 25 of Hosarguppa for Mahatma Gandhi Centenary College, Siddapur. An area of 7 acres and 24 gunthas released for Harijan housing has to be diverted for this purpose. The Harijans have no objection. The D.C's action in granting 5 acres of land to the College already out of the said S.No. has to be ratified as proposed by the D.V.C. It is not known how this entire area of 40 acres of land will be utilised by the College. Orders the details in this behalf are to be

P 18

AFD 465 PGL 77

are to be called for, the proposal to grant the land to the Secy. at half the market rate recommended by the D.C. is for orders. It is however, for consideration whether the land may be granted on lease.

Dy. Secy., A.H. 8547 7.10.77

Dy. Secy., A.H. No. 4736 7, 8/X.

6)

Ex 4/10

Ans.4

This is a case in respect of grant of land to Mahatma Gandhi Centenary College, Siddapur in North Kanara District. which is run by Sahakari Shikshana Prakashana Samithi. The Divisional Commissioner has recommended the case for sanction of 40 acres of land at page 9 CF. The Chief Conservator of Forests has also stated that he has no objection for the disaforestation of the area of 32-16-0 acres as recommended by the Revenue Department for assignment of the above land to the institution. We can agree with the proposal of the Divisional Commissioner, Belgaum to release the land subject to the terms and conditions proposed by him.

(H.L.Lingaraj Urs) 6/X
D.S. A.&.F.Deptt.

7)

Secy. A.&.F.) Note.5

We could release the land on some 30-40 years' lease as we have done in a two three other cases pertaining to Edn Institutions. Pl. see what conditions have been prescribed in those cases.

8/X 8/10 8/X

AFD. 4/65. FOL 70. 6

NOTE 6

Ref. NOTE 5.

As verified we have not granted any land for Educational Institutions on lease basis, for construction of buildings etc. In view of the same it is for orders whether the land may be surrendered to R.D for being leased to the Educational Institutions or the C.C.F may be requested to furnish the terms and conditions to be stipulated to lease the land under the control of Forest Dept. (8)

Pl. speak to day & 21/10 spoken to

So far we have not released land on lease basis, to Educational Institutions, for the purpose of construction of buildings etc. In view of the same, it is for orders, whether the area may be surrendered to R.D for being granted to the Institutions, as for land grant rules. (9)

Pl. draft a letter to the C.C.F. to get the info. as per note & write & 29/10

A draft letter to C.C.F is put up for approval (10)

AFD 465 PGL 70

are to be called for, the proposal to grant the land to the Secy. at half the market rate recommended by the D.V.C. is for orders. It is however, for consideration whether the land may be granted on lease.

Dy. Secy., A.H. No. 8547 7.10.71

Dy. Secy., A.H. No. 4736 S/X.

E 4/10

6) NOTE.4

This is a case in respect of grant of land to Mahatma Gandhi Centenary College, Siddapur in North Kanara District. which is run by Sahakari Shikshana Prakashana Samithi. The Divisional Commissioner has recommended the case for sanction of 40 acres of land at page 9 CF. The Chief Conservator of Forests has also stated that he has no objection for the disaforestation of the area of 32-16-0 acres as recommended by the Revenue Department for assignment of the above land to the institution. We can agree with the proposal of the Divisional Commissioner, Belgaum to release the land subject to the terms and conditions proposed by him.

(H.L.Lingaraj Urs) 6/X
D.S. A.&.F.Deptt.

7) Secy. A.&.F.) NOTE.5

We could release the land on some 30-40 years' lease as we have done in a two three other cases pertaining to Edn Institutions. Pl see what conditions have been prescribed in those cases.

8/X 8/10

I AFD 465 FAL 70

11) Revised abt is put up for approval.

B83
29/X
2/11

Sgnd
2/11

Sgnd 11/11

10900
1/12

Sl. No. 9. Letter No. B3/21/GFL/1403/71-72 dated 19/22-11-71 of the C.C.F. B'li

12) The C.C.F has reported that 20 lands were leased to Educating Institutions and all the lands so far granted are on outright grant only.

13) The file is submitted with ref. to para 7, for orders, wherein the G.O. put up at p 18/ante.

Dy. Secy., A & F No. 8061
30/11.

29/11 Sgnd

B.S. Bagga
30/11
Dy. Secy., A. & F. Dept.
30/11

Secretary)

14) We may release the land in favour of RD for being granted on terms & conditions RD deem fit, to the College

Sgnd 1/12/11

Sgnd
1/12

Sgnd
1/12

AFD-465-Fe(L)70

8

Ref. para 14.

The G.O. at p/8 c/f is modified. (15

The same is for approval + issue.

BBSabarwal
6/12

3/12

Dy. Secy., A&F
No. 8344
7/12.

7/12

4/5 Forest A)

Dy. Secy., A&F
No. 8430
9/12.

8/12/51

9/12

14/XII

Issue
& 10/12

May be recorded B.

BBS
15/12

16/12

Sl. No. 6

9 12

C. F. No. 45]

GOVERNMENT OF MYSORE

AFD 6639 FA 71
21/9/71

Telegram / Telephone

OFFICE OF

THE CHIEF CONSERVATOR OF FORESTS(GL)

IN MYSORE BANGALORE.

No. B3/21/GFL/1403/71-72
Encls. Case papers

Date 17th SEPTEMBER 1971.

To

The Secretary to Government,

Agriculture and Forest Department,

BANGALORE.

Sir,

Sub: Forest Department - N.Kanara Distt. Siddapur Taluk - Avaragappa Village F.S.No.25A1 and 25A2 - Release of 40 acres of land in favour of Sahakari Shikshna Prasarak Samithi, Siddapur.

Ref: Your No.AFD 465 FGL 70, dated 18-8-1971. P 15

In resubmitting herewith the case papers received under Government letter quoted above, I have to state that, I have no objection for the disforestment of an area of 32-16-0 acres out of F.S.No.25A1 of Avaraguppa village, Sirsi Taluk as recommended by the Revenue Department for assignment Mahatma Gandhi centenary College, Siddapur.

Orders of Government in the matter may kindly be communicated.

Yours faithfully,

Chief Conservator of Forests(Gl)

Sl. No. 9 10 AFD 8130 FA 71 28
23/11/71

C.F. No. 45] **GOVERNMENT OF MYSORE**

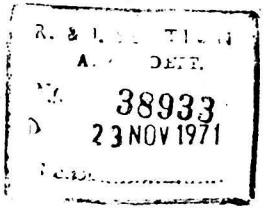
OFFICE OF The
Chief Conservator of Forests (G1)
in Mysore, Bangalore.

No. B3/21/GFL/1403 71-72.
Encls.

Date 19th Nov. 1971.

To
The Secretary to Government,
Agriculture and Forest Department,
BANGALORE.

Sir,



Sub:-Forest Department - N.Kanara District Siddapur Taluk - Avaragappa Village F.S.No.25A1 and 25A2 release of 40 acres of land in favour of Sahakari Shikshna Prasarak Samithi, Siddapur.

Ref:-Your No.AFD-465-FGL-70 Dated 10-11-71. P 19

Sri R 23/11

No lands were leased to Educational Institutions. All the lands so far granted are on outright grant only.

As your above letter was received only on 12-11-1971 and 13th and 14th being holidays the report could not be submitted as called for by 15-11-71.

Yours faithfully,

N. Chief Conservator of Forests
19/11

Sl. No. 8

PROCEEDINGS OF THE GOVERNMENT OF MYSORE

Sub: Forest Department _ North Kanara District - Siddapur Taluk - Avaraguppa Village - F.S.No.25A1 - Release of 32-16 acres of land in favour of Sahakari Shikshana Prasarak Samithi, Siddapur.

ORDER NO.AFD 465 FGL 70, 14th
DATED: BANGALORE: THE 10TH DECEMBER 1971.

With reference to letter No.RB.FOR.SR.3212 dated 22-12-1970 of the Divisional Commissioner, Belgaum and letter No.BS/21/GFL/1403/71-72 dated 17-8-1971 of the Chief Conservator of Forests (General) in Mysore, Bangalore on the subject mentioned above sanction is accorded for the release of 32-16 acres of land out of F.S.No.25A1/ of Avaraguppa, Siddapur Taluk, North Kanara District and to its surrender to Revenue Department for being granted to the Sahakari Shikshana Prasarak Samithi, Siddapur for construction of College Buildings, Hostels for boys and Girls, Offices, staff quarters, N.C.C. Parade ground etc. on such terms and conditions as the Revenue Department deems fit.

By Order and in the name of the
President of India,

S.B. Chikkamath

(S.B.Chikkamath)
Under Secretary to Government,
Agriculture & Forest Department.

14/12/1971

To
The Chief Conservator of Forests(General) in Mysore, Bangalore.
The Divisional Commissioner, Belgaum, (along with case papers).
The Deputy Commissioner, North Kanara, Karwar.
The Revenue Department.
The Guard file.

S/. N. 8
Sub: asst p. 16.

12 19

AFD. 465. Fell 7

CCF,

With ref. to your letter N. B3/21/GFL/1403/71-72 dated 17.9.71, on the subject mentioned above, I am directed to state that it has been decided to lease the land for 30 to 40 years as was done in the past in two, three other cases pertaining to Educational Institutions. I am therefore directed to request you to furnish the terms and conditions under which the land in question could be leased in favour of Sahakari Shikshana Prakashana Samithi.

I am also to request you

RECEIVED. 1/11/XI

to indicate the G.O. No. & date where in Govt had leased out land to Education Institutions in the past for nec.

The above details may kindly be furnished before 15-11-71 positively.

Y.F.
2/11/71
US to Govt

883
29/10.

Sl. No. 7

Sub: Forest Depn - N.K. Dist - Siddapur Tq - Avaraguppa village - F.S. No. 25 A1 - Release of 32-16 acres of land in favour of Sahakari Shikshana Prasaraka Samithi, Siddapur.

ORDER NO. AFD 465 FGL 70

BANGALORE DATED THE OCTOBER 71.

With ref. ① letter No. RB. FOR. SR. 3212 dated 22.12.70 of the Divisional Commissioner Belgaum and ② letter No. B3/21/GFL/1403/71-72 dated 12.9.71 of the C.F in Mysore B'lore on the subject mentioned above

① PS-I
② PLB

sanction is accorded for the release of 32-16 acres of land out of F.S. No. 25 A1 of Avaraguppa, Siddapur Tq - N.K. Dist and to its surrender to R.D for being

granted to the Sahakari Shikshana Prasarak Sanstha Siddapur for construction of college buildings, Hostels for boys and girls, offices, staff quarters, N.C.C. parade ground etc, ~~as per land~~ ~~grant rules~~, as such terms and conditions as the R.D deems fit.

To
The CCF
The Divisional Commissioner Belgaum along with case papers.
The D.C. Nk
The RD
GF

B-O.C.
8/12
WS D&R

S.K.VARADARAJ.B.Sc.(Hons)M.F.(WASH).,
Addl.Technical Assistant to the Chief
Conservator of Forests(General)

New Public Offices,
Bangalore-1,
Dated/ 14-7-1971.

AFD 5067 FAM
16/7/71

D.O.No.B3/GFL/1932/70-71.

Dear Sri Chikkamath.,

Sub: Forest Deptt. N.Kanara Distt. Siddapur Tq Avaragappa Village F.S.No.25A1 and 25A2 - Release of 40 acres of land in favour of Sahakari Shikshana Prasarak Samithi, Siddapur.

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Please refer to D.O.Letter No.AFD 465 FGL 70 dt.28-6-71, from I/c.Under Secretary to Government, Agriculture and Forest Department, on the above subject.

A kind reference is invited to this office letter ~~letter~~ of even No.dated 15-2-1971, under which the case papers have been requested to be made available. And unless the case papers are made available, it may not be possible to offer remarks.

Yours Sincerely
(S.K.Varadaraj.)

Shri S.B.Chikkamath,
Under Secretary to Government,
Agriculture and Forest Deptt. BANGALORE.

MB/-

Sl.No.5 LF 15

AFD 465 FGL 70.

17th August, 71.

The
Agriculture & Forest Department.

The ChiefConservator of Forests
(General) in Mysore,Bangalore.

Sir,

Sub: Forest Department North Kanara Dist.
Siddapur Taluk Avaragappa Village
F.S.No.25A1 and 25A2- Release of 40
acres of land in favour of Sahakari
Shikshna Prasarak Samithi, Siddapur.

With reference to your letter No.B3/GFL/1982/70-71 dated 14-7-1971, on the subject mentioned above, I am directed to send herewith the case papers, for reference and return along with your report.

Yours faithfully,

17/8/71
(B.N.Anjanappa)
Section Officer,
Agri. and Forest Department.

Sl. No 3

18 12

B.N.Anjanappa,
i/c
Agriculture
and Forest

25th June, 71.

AFD 465 FGL 70.

Dear Sri Varadaraj,

Sub: Forest Department - North Kanara District - Siddapur Taluk - Avargappa Village - F.S.No.25A1 and 25A2 - Release of 40 acres of land in favour of Sahakari Shikshna Prasarak Samithi, Siddapur.

Please refer to Govt.letter of even number dated 3-2-1971, on the subject mentioned above.

I am desired to request you to expedite the reply in the matter.

Yours sincerely,

25/6.

28-6-71.

Sri S.K.Varadaraj,
Additional Technical
Assistant to the Chief
Conservator of Forests
(General) inMysore,
Bangalore-1.

Sl no. 2

19 60

GOVERNMENT OF MYSORE

No. AFD 265 FGL 70.

MYSORE GOVERNMENT SECRETARIAT,
VIDHANA SOUDHA,

Dated, Bangalore, 28th Jan. 1961.

FROM

The *Secretary to the Government of Mysore*
Agriculture & Forest Department.

To

The Chief Conservator of Forests
(General) in Mysore, Bangalore.

Sir,

Sub: Forest Department - North Kanara District - Siddapur Taluk - Avargappa Village - F.S. No.25A1 and 25A2 -Release of 40 acres of land in favour of Sahakari Shikshana Prasarak Samithi, Siddapur.

In enclosing a copy of letter No.RB/FOR.SR. 3212 dated 22-12-1970 of the Divisional Commissioner, Belgaum along with its enclosures on the subject mentioned above, I am directed to request you to offer your remarks in the matter.

Yours faithfully,

(B.N.Anjanappa)
Section Officer,
Agri. and Forest Department.

RECEIVED
Date 3-2-1971.

hns/28-1/

Copy of letter No.RB.FOR.SR.3212 dated 22-12-1970 from the Divisional Commissioner, Belgaum Division, Belgaum, to the Secretary to Govt., Agriculture & Forest Department, Bangalore-1.

Sub: Mahatma Gandi Centenary College, Siddapur Grant of land to..

In forwarding herewith the correspondence resting with the Conservator of Forests, Kanara Circle, Dharwar's No.FOP.GFL.SR. 1263/1969-70 dated 27-11-1970 on the above subject, I write to state as under:-

This case relates to release of 40 acres of land comprised in F.S.Nos.25A1 and 25A2 of Avarguppa Village Taluka Siddapur in favour of the Sahakari Shikshana Prasarak Samiti Siddapur as shown on the sketch at page 15 of the file No.II of the case papers(enclosed).

It will be seen from the Deputy Commissioner's report dated LND.II.6/SR.3072 dated 16-11-70 that this area of 40 acres comprises (1) 7 acres 24 guntas of S.No.25A2, already disforested in 1959 for the lay out of plots for Harijan housing and (2) 5 acres of land out of F.S.No.25A1 already handed over to the Institution under Deputy Commissioner's orders No.LND.II.6/SR.3072 dated 29-9-1969 and 26-11-70 pending disforestment proceedings (iii) plus 27 acres 16 guntas out of the same F.S.No.25A1. The Deputy Commissioner has proposed that Govt. be moved to release 23 acres 16 guntas (inclusive of five acres already handed over) out of F.S.No.25A1 of Avarguppa village. He also recommends that in view of the enormous financial liability to be shouldered by the Samiti, which is a Co-operative Society, the entire area of 40 acres may be granted to the Samiti, free of cost in relaxation of rule 20(i) (c) of the Land Grant rules 1969, which could be directed by Government under Rule 27 of the aforesaid Rules. If the area of 7 acres 24 guntas was disforested in 1959, for layout of plots for Harijan Housing, its diversion for College buildings and its activities may also have to be approved by Government though formally.

4. Thus the proposal involved area:

a) Release of 32 acres 16 guntas out of F.S.No.25A1 of Awarguppa village.

b) Approving the action taken by the Deputy Commissioner to hand over five acres of land out of the abovearea of 32 acres 16 guntas to the Institution.

c) Diversion of purpose for which the area of 7 acres 24 guntas was disforested in 1959 for the Housing Colony of the Harijans and

d) Grant of the entire area of 40 acres free of cost to the Samiti.

5) As regards (a), the proposed release of the area, and its extent being agreeable to the Forest Dept., the proposal of the Deputy Commissioner may be accepted. The action taken to hand over possession of the area of five acres by the Deputy Commissioner is reported to be in exercise of the powers conferred on him under Government Resolution A & F.D. No.FDM.1054, dated 28-1-1955 read with the Govt. Resolution dt.20-4-55, it is not clear why specific orders of Government ratifying the Deputy Commissioner's action are at all, needed. The Deputy Commissioner's orders directing delivery of possession of the area of five acres were passed on 29-9-69 i.e. before 3-11-69 on which date the Mysore Land Grant Rules 1969 came into force. Any way, since the Deputy Commissioner has sought for ratification of his action, his action in this behalf may be approved. The diversion of the area of 7 acres 24 guntas from the purpose of Harijan Housing to the purposes of the College may also be allowed as the Harijans are reported to the

contd.2.

21

tohave no objection and are willing to take the adjacent alternative site out of F.S.No.1820 of Balikoppa village.

6. I am not however, in favour of the Deputy Commissioner's proposal to grant it free of cost, in relaxation of rules, because, it would be set an undesirable precedent, besides resulting in loss of Revenue to Government. Secondly, it may not also be adivsable to grant large areas free of cost. According to the modest price of Rs.100/- per acre reported by the Tahsildar, Siddapur, the market value would work out to Rs.4,000/- and 50% of this market value would not mean so much to the society as to necessitate relaxationof rules as a special case. I would, therefore, sugrest that the site may be granted to the Samiti on recovery of 50% of the occupancy price to be determined by the Deputy Commissioner for the land of 40 acres to be released.

7. I request that Government may please be moved to issue orders on the four proposals as set out in para 4 supra.

Case papers in two files accompany.

Copy of letter No.DND.II.6/SR.3072 dated 16-11-1970 from the Deputy Commissioner, Karwar, to the Secretary to Government, Agriculture & Forest Department, Bangalore.

Sub: Mahatma Gandhi Centenary College- Siddapur - Grant of land to -

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In submitting herein the papers of the case relating to the grant of land to Mahatma Gandhi Centenary College, Siddapur, which is run by the Sahakari Shikshna Prasarak Samiti, I have to report that the Samiti has applied for grant of 40-0-0(A.G.As.)of land out of Forest Sy.No.25A1(32-16-0) and Sy.No.25A2(7-24-0). The Samiti intends to utilise the land for the construction of college buildings, hostels for boys and girls, play-ground, administrative office, N.C.C. Parade ground and also staff quarters. The Samiti has been registered under the Co-operative Societies Act and has started an Arts college in the Academic year, 1969-70.

The area applied for is shown in the sketch(at page 15) as ABCDEF. it is a 40 acres plot comprised of 32-16-0 still accounted for as Reserved Forest and an area of 7-24-0 whichwas disforested in 1959 for lay-out of plots for Harijan Housing. The Forest Department has agreed to the release of 32-16-0 out of Forest Sy.No.25A1 of Avarguppa village vide pages 95 and 97 of the file No.I. Surrounded by this land there is a block of(7-24-0) which had been disforested in 1959 and laid out into plots in 1961. This plot is shown in green shade. Although plots were laid out in 1961 not a single person turned upto to take the plots and to conturct the house. It was considered proper not to retain this plot of residential site in the vicinity of College campus and so after obtaining the consent of Harijan residents of the said locality the reservation of site for Harijan housing has been cancelled. The Tahsildar, Siddapur has also been directed to select suitable area in adjoining Sy.No.viz. 182-A of Balikop village for Harijan housing. Thus the entire plot of 40-0-0 is now available for being granted to the samiti.

contd.3.

Under Government Resolution A & F.D No.FDM.1054 dated 28-1-1955 read with Government Resolution dated 20-4-1955 the Deputy Commissioner is empowered to dispose of forest lands upto 5 acres for non-agricultural purposes. In this case the land applied for is in excess of 5 acres. The land is applied for by the Samiti which is a Co-operative Society registered under the Co-operative Societies Act. As such the request of the applicant Samiti has to be dealt with under Rule 20(1)(c) of the Land Grant Rules, 1959. In such cases however prior approval of the State Govt. is necessary. The Govt. in the Agri. & Forest Department may therefore kindly be moved to pass orders on the following points:

1. To release an area of 32-16-0 out of Forest Sy.No.25A1 of Avarguppa village, in favour of the Sahakari Shikshan Prasarak Samiti, Siddapur;

2. To accord sanction to the grant of 40-0-0 of land to the above Samiti, under Rule 20(1)(c) of the Land Grant Rules, 1969(Area to be granted would be the Forest land of 32-16-0 to be disforested plus 7-24-0 which was already disforested for Harijan layout and which is now revoked).

If these proposals are accepted, the land would be granted to 50% of market value as provided for in Rule 20(1)(c). But the request of the Samiti is for free grant of land ostensibly because of the enormous financial liability to be shouldered by the Samiti in running the college. There is no enabling specific provision in the Mysore Land Grant Rules 1969 for such a grant to be made, freeof cost. Under Rule 27 of the said Rules, however, Government may direct relaxation of any of the provisions of the said Rules in any case of class of cases and thereupon the land or site may be granted in such a case or class of cases in accordance with such direction. So it is for consideration of the Government as to whether the grant of the land should be made free of cost in relaxation of rule 20(1)(c).

While this land grant case was being processed the Samiti requested for possession of land so that it could be commence the work immediately.As the request of the Samiti was found to be genuine orders were issued on 29-9-1969 and 26-11-1969 directing to hand over possession of 5 five acres of land to the society. The Samiti has already taken over the possession of the land. My action in this respect may be approved and the case papers returned early for further action.

Papers of the case intwo files(File No.I - Pages 1 to 136 and File No.II pages 1 to 18) accompany.

Sl.No.1

AFD 9966 FA20

GOVERNMENT OF MYSORE

29/12/70

23

gram:— "BELDICOM"
Tele : Res
phone:— Office: 2

From :
The Divisional Commissioner
Belgaum Division, Belgaum.
P. B. No. 3
Belgaum.

To
The Secretary to Government,
Agriculture & Forests Department,
P. B. No. 345,
Vidhana Soudha, Bangalore 1

No. RR/FOR.SR.3212. Enclo: Date: 22-12-1970.

Sir,

Subject: Mahatma Gandhi Centenary College, Siddapur.
Grant of land to...

49210

SECTION

1970

In forwarding herewith the correspondence resting with the Conservator of Forests, Kanara Circle, Dharwar's No. FOP.GFL. SR.1263/1969-70 dt. 27-11-1970 on the above subject, I write to state as under:-

2. This case relates to release of 40 acres of land comprised in F.S.Nos. 25A1 and 25A2 of Avarguppa village Taluka Siddapur in favour of the Sahakari Shikshana Prasarak Samiti Siddapur as shown on the sketch at page 15 of File No.II of the caseppapers (enclosed).

3. It will be seen from the Deputy Commissioner's report dated LND.II.6/SR.3072 dt.16-11-70 that this area of 40 acres comprises (1) 7 acres 24 gunthas of S.No. 25A2, already disforested in 1959 for the lay out of plots for Harijan housing and (2) 5 acres of land out of F.S.No. 25A1 already handed over to the Institution under Deputy Commissioner's orders No.LND.II.6/SR. 3072 dt. 29-9-69 and 26-11-1970 pending disforestment proceedings (iii) plus 27 acres 16 gunthas out of the same F.S.No. 25A1. The Deputy Commissioner has proposed that Government be moved to release 32 acres 16 gunthas (inclusive of five acres already handed over) out of F.S.No. 25A1 of Avarguppa village. He also recommends that in view of the enormous financial liability to be shouldered by the Samiti, which is a Co-Operative Society, the entire area of 40 acres may be granted to the Samiti, free of cost in relaxation of Rule 20(i)(c) of the Land Grant Rules 1969, which could be directed by Government under Rule 27 of the aforesaid Rules. If the area of 7 acres 24 gunthas was disfore-sted in 1959, for layout of plots for Harijan Housing, its diversion for College buildings and its activities may also have to be approved by Government though formally.

4. Thus the proposals involved are:

a) Release of 32 acres 16 gunthas out of F.S.No. 25A1 of Awarguppa village.
b) Approving the action taken by the Deputy Commissioner to hand over five acres of land out of the above area of 32 acres 16 gunthas to the Institution.
c) Diversion of purpose for which the area of 7 acres 24 gunthas was disforested in 1959 for the Housing Colony of the Harijans and
d) Grant of the entire area of 40 acres free of cost to the Samiti.

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5. As regards (a), the proposed release of the area, and its extent being agreeable to the Forest Dept., the proposal of the Deputy Commissioner may be accepted. The action taken to hand over possession of the area of five acres by the Deputy Commissioner is reported to be in exercise of the powers conferred on him under Government Resolution A & F.D. No. FDM.1054. dated 28-1-1955. R.w. the Govt. Resolution dt. 20-4-55, it is not clear why specific orders of Government ratifying the Deputy Commissioner's action are at all needed. The Deputy Commissioner's orders directing delivery of possession of the area of five acres were passed on 29-9-1969 i.e. before the 3-11-69 on which date the Mysore Land Grant Rules 1969 came into force. Any way, since the Deputy Commissioner has sought for ratification of his action, his action in this behalf may be approved. The diversion of the area of 7 acres 24 gunthas from the purpose of Harijan Housing to the purposes of the College may also be allowed as the Harijans are reported to have no objection and are willing to take the adjacent alternative site out of F.S.No.1820 of Balikoppa village.

6. I am not however, in favour of the Deputy Commissioner's proposal to grant it free of cost, in relaxation of rules, because, it would set an undesirable precedent, besides resulting in loss of Revenue to Government. Secondly, it may not also be advisable to grant large areas free-of-cost. According to the modest price of Rs.100/- per acre reported by the Tahsildar, Siddapur, the market value would work out to Rs.4,000/- and 50% of this market value would not mean so much to the Society as to necessitate relaxation of Rules as a special case. I would, therefore, suggest that the site may be granted to the Samiti on recovery of 50% of the occupancy price to be determined by the Deputy Commissioner for the land of 40 acres to be released.

7. I request that Government may please be moved to issue orders on the four proposals as set out in para 4 supra.

8. Case papers in two files accompany.

Yours faithfully,

O.C. signed by the
Divl. Commissioner.

(M.K. Sarvi.)
For Divisional Commissioner,
Belgaum.

abp/19-12/c.5.

(1)

No. LND-II-6/SR-3072.
Kurwar: 10-11-1970.

To

The Secretary to Government,
Agricultural & Forest Department,
Vidhan Soudha, Bangalore.

Sir,

Subject:- Mahatma Gandhi Centenary College - Sidapur - Grant of land to ....

In submitting herein the papers of the case relating to the grant of land to Mahatma Gandhi Centenary College, Sidapur, which is run by the Sahakari Shikshna Prasarak Samiti, I have to report that the Samiti has applied for grant of 40-0-0(A.C.As) of land out of Forest Sy.No. 25A1(32-16-0) and Sy. No. 25A2 (7-24-0). The Samiti intends to utilise the land for the construction of college buildings, hostels for boys and girls, play-ground, administrative offices, N.C.C. parade ground and also staff quarters. The Samiti has been registered under the Co-operative Societies Act and has started an Arts College in the Academic year, 1969-70.

The area applied for is shown in the sketch(at page 15) as ABCDEF. It is a 40 acres plot comprised of 32-16-0 still accounted for as Reserved Forest and an area of 7-24-0 whichwas disforested in 1959 for lay-out of plots for Harijan housing. The Forest Department has agreed to the release of 32-16-0 out of Forest Sy. No. 25A1 of Avarguppa village - vide pages 95 and 97 of the File No. I. Surrounded by this land there is a block of (7-24-0) which had been disforested in 1959 and laid out into plots in 1961. This plot is shown in green shade. Although plots were laid out in 1961 not a single person turned upto to take the plots and to

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construct the house. It was considered proper not to retain this plot of residential site in the vicinity of College campus and so after obtaining the consent of Harijan residents of the said locality the reservation of site for Harijan housing has been cancelled. The Tahsildar, Siddapur has also been directed to select suitable area in adjoining Sy.No.viz. 182-A of Balikop village for Harijan housing. Thus the entire plot of 40-0-0 is now available for being granted to the Samiti.

Under Government Resolution A and F D No. FDM-1054 dated 28-1-1955 read with Government Resolution dated 20-4-1955 the Deputy Commissioner is empowered to dispose of Forest lands upto 5 acres for non-agricultural purposes. In this case the land applied for is in excess of 5 acres. The land is applied for by the Samiti which is a Co-operative Society registered under the Co-operative Societies Act. As such the request of the applicant Samiti has to be dealt with under Rule 20(1)(c) of the Land Grant Rules, 1959. In such cases however prior approval of the State Government is necessary. The Government in the Agriculture and Forest Department may therefore kindly be moved to pass orders on the following points:

1. To release an area of 32-16-0 out of Forest Sy. No. 25A1 of Avarguppa village, in favour of the Sahakari Shikshan Prasarak Samiti, Siddapur;

2. To accord sanction to the grant of 40-0-0 of land to the above Samiti, under Rule 20(1)(c) of the Land Grant Rules, 1969(Area to be granted would be the Forest land of 32-16-0 to be disforested plus 7-24-0 which was already disforested for Harijan layout and which is now revoked).

If these proposals are accepted, the land could be granted at 50% of market value as provided for in Rule

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20(1) (c). But the request of the Samiti is for free grant of land ostensibly because of the enormous financial liability to be shoulderwed by the Samiti in running the College. There is no enabling specific provision in the Mysore Land Grant Rules 1969 for such a grant to be made, free of cost. Under Rule 27 of the said Rules, however, Government may direct relaxation of any of the provisions of the said Rules in any case or class of cases and thereupon the land or site may be granted in such a case or class of cases in accordance with such direction. So it is for consideration of the Government as to whether the grant of the land should be made free of cost in relaxation of rule 20(1)(c).

While this land grant case was being processed the Samiti requested for possession of land so that it could be commence the work immediately. As the request of the Samiti was found to be genuine orders were issued on 29-9-1969 and 26-11-1969 directing to hand over possession of 5 five acres of land to the Society. The Samiti has already taken over the possession of the land. My action in this respect may be approved and the case papers returned early for further action.

Papers of the case in two files(File No.I - pages 1 to 126 and File No.II pages 1 to 18) accompany.

Yours faithfully,

O.C. Signed by)
the Dy.Commr.)

for Deputy Commissioner,
North Kanara, Karwar.

Through the Conservator of Forest, K.C.Dharwar W.Cs. and the Divl.Commissioner, Belgaum W.Rs.